

# **EXHIBIT X**

From Pacer:

08/13/2007

Judge Marianne B. Bowler: Electronic ORDER entered denying [3959](#) Motion to Compel, at this time without prejudice except to the extent that the approximately 60 documents that expressly reference Abbott Laboratories, Inc. ("Abbott") and/or the subject drugs as well as those documents that concern the government's knowledge of the common use of spreads with respect to published AWP's shall be produced. The declarations of Robert A. Vito and Leslie V. Norwalk convince this court that the documents are both predecisional and deliberative. See *Texaco Puerto Rico, Inc. v. Dept. of Consumer Affairs*, 60 F. 3d 867, 884-885 (1st Cir. 1995). Having weighed all of "the competing interests," *id.* at 885 (citing *Fire Eastern Corp. v. Mainwaring*, 21 F. 3d 465, 468 n. 5 (D.C. 1994); *Fire Eastern*, 21 F.3d at 468 n. 5 (listing the competing interests the court should consider), Abbott's need for the foregoing documents is substantial particularly in light of their relevance and the showing that memories have faded with the passage of time. Abbott shall, as stated, "keep [the documents] strictly confidential" (Docket Entry # 3960, p.11). (Bowler, Marianne) (Entered: 08/13/2007)